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C O N F I D E N T I A L DUBLIN 001203

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SUBJECT: IRELAND PREFERS EU DESIGNATION MECHANISM

REF: SECSTATE 172518

Classified By: POL/ECON CHIEF MARY DALY, FOR REASONS 1.4 (B), (D)

1.(C) On September 26, emboff spoke with Department of Foreign Affairs UN/Terrorism and Illicit Drugs section First Secretary Maurice Biggar regarding reftel points. Biggar

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relayed that Ireland is pleased with the September 21 ruling of the European Court of First Instance (ECI) that the EU has the right to freeze assets of people on the UN list of suspected terrorists.

12. (C) Per reftel's request for an assessment on designation procedures, Biggar said that the EU current mechanism for implementing sanctions under UNSCRs 1267 and 1373 is efficient and effective. It is as follows:

--UN 1267 Designations

Once the UN 1267 Sanctions Committee designates an individual or group as having ties to Osama Bin Laden, Al-Qaeda, or the Taliban, the EU automatically adopts a designation for its Member States. According to Biggar, the process takes about three days and the implementations are binding on Member States.

--UN 1373 Designations

Biggar, the Irish delegate to the Counterterrorism Committee (COTER), said that the GOI is well aware of its obligations to block terrorist funds under UNSCR 1373, and he argues that implementation of this resolution is much more effective at the EU level vice at the national level. At the national level, Ireland can freeze assets of terrorism suspects only if senior police officials can convince judges that funds used by suspects are proceeds of terrorism finance. He added that information in such cases may be required from outside sources, indicating a dependence upon intelligence from other countries. However, at the EU level, Member States decide on designations according to EU Common Position 931, the EU legal basis for freezing terrorism assets. Biggar said that Ireland supports the current EU Clearinghouse method, because it is an effective way of sharing information on individual terrorism suspects or groups. Once a person or group is listed by the Clearinghouse, Biggar said that Ireland is bound by UN 1373 to seize assets, and may do so under the legal umbrella provided by the EU.

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